IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital the 10th day of August 2005
Criminal Misc. Bail Application No. 669/2005
Order on the bail application of accused

CRIMINAL SIDE

Raju @ Raj Kumar
S/o Karan Singh
R/o P.W.D. Colony Haridwar
P.S. Kotwali Haridwar
District Haridwar ….Applicant

Versus

State of Uttaranchal ….Opposite Party

Arising out of case crime No.663 of 2004
U/s 302, 201/34, 420, 467, 468, 471, 120-B, 404, 411 & 380 I.P.C.
P.S. Kotwali Haridwar
District Haridwar

Hon'ble J. C.S. Rawat, J.

Heard Sri Vivek Shukal learned counsel for the applicant and Sri G.S. Sandhu learned A.G.A. for the State.

Perused the record. The learned counsel for the applicant contended that there is no sufficient evidence against the applicant and the case rests upon the circumstantial evidence. The learned A.G.A. refuted the contention and the contended that here is sufficient evidence against the applicant-accused. According to the FIR, one Shyam Singh and Bal Ram told the informant that the Mruti Car No. UA8C 58.05 was seen standing by them at Bindwasni bridge at about 12:30PM and from it they have also seen throwing a plastic bag from the bridge into the Chilla river by Sonu and the present applicant. On this information, the informant and one Manohar Lal Sahu reached at the house of brother of the informant, but the house was locked. At the spot, Raj Kumar Chadhha and Pawan Tyagi told the informant that at about 11:30AM they have seen the present applicant and Sonu putting a plastic bag in the 'dikki' of the car. The second incriminating circumstance against the applicant is that Rs.2,22,000/-, which was withdrawn by the deceased with the help of Sonu @ Manish, was found missing. A sum of Rs. 75, 000/- was

recovered from the possession of the applicant, but no explanation has been given as to haw this money came into his possession.

The third incriminating circumstance against the applicant is that certain articles were recovered from the possession of the applicant under section 27 of the Indian Evidence Act.

The learned counsel for the applicant further contended that the FIR indicates that the deceased has withdrawn Rs.2,22,000/- on 1.10.2004, but the later on the prosecution has developed a new story with the help of statement of present applicant and Sonu @ Manish that deceased had given a cheque to Sonu @ Manish for withdrawal and on the basis of this cheque and stolen cheque of the deceased, the applicant and Sonu @ Manish asked one Pwan to forge a Cheque of Rs. 1,70,000/-. It clearly shows that the entire prosecution version is fabricated and concocted. The learned A.G.A. refuted the contention and contended that the deceased was living alone and it is not in the evidence that his brother was living with him. Whatever the brother could get the information of motive he recorded that fact in the FIR. If the brother would have been residing with the deceased he might have known the other facts also. The fact, which was disclosed later on during the Investigation, might not be in the knowledge of the informant. There is a motive to commit the murder of the deceased by the applicant. Considering the above facts and circumstances of the case, it is not fit case for bail.

Therefore, the bail application is hereby rejected.

Dated 10.08.2005 **(J.C.S. Rawat. J.)**

LSR